

REMARKS/ARGUMENTS

This is responsive to the Office Action dated September 11, 2006.

By this Response, the applicant has inserted new claims 37-51. Accordingly, the application now contains 4 independent claims and a total of 33 claims. The applicant has already paid the requisite claim fee for 5 independent claims. However, the applicant has not paid for any excess claims over 20. Please charge our deposit account 022095 in the amount of \$650.00 (\$50.00 for each dependent claim in excess of 20).

By this Response, the applicant has inserted new claims 37-40 which depend directly or indirectly from claim 17, claims 41-43 which depend from claim 22 and claims 44-46 which depend from these claims set out further preferred features of the backpack claimed in claims 17, 22 and 30. In addition, the applicant has inserted new claims 47-51. Claim 47 claims a preferred embodiment of the backpack as set out in the instant application.

In the Office Action, the Examiner objected to claim 30 as the Examiner could not locate any basis for the limitation "reversibly closing" in the specification. In the specification, the applicant stated in paragraph 23 that:

"The backpack body 26 has at least one storage compartment 28 therein for receiving a load 30 and provides access to the compartment 28 by any suitable means, such as a zipper 29". (emphasis added).

It is respectfully submitted that a zipper, let alone other means, permits a compartment to be opened and closed. Therefore, the compartment can be reversibly closed. Accordingly, the applicant respectfully submits that claim 30 complies with 37 CFR 1.75(d)(1).

In the Office Action, the Examiner rejected claim 28 under 35 USC 112, second paragraph, as not containing an antecedent for "the at least one side cinch strap". By this response, the applicant has deleted the word "the" from the claim. Accordingly, the applicant respectfully submits that no antecedent is required.

In the Office Action, the Examiner rejected claims 30 and 36 under 35 USC 102(b) in view of Fier. The Examiner stated that buckle 62 of Fier is a "quick release mechanism". ~~The Examiner stated that the end of the cinch strap could be removed or slid out of the~~ sliding buckle as quickly as a user could pull it out. The Examiner noted that the end of the cinch strap is not folded over so as to prevent it from being removed from the buckle. The applicant has carefully considered the argument raised by the Examiner but respectfully traverses the argument. The applicant points out that, in use, buckle 62 is part of the adjustable strap system of the backpack. The two shoulder straps each have a buckle 62 that receives a strap 66. In use, it is expected that strap 66 is non-movable received in buckle 62. Otherwise, when a user is wearing the backpack, the backpack would drop lower on the user's back as strap 66 slips through buckle 62 and would eventually fall when strap 66 slips out of buckle 62. To prevent this, applicant understands strap 66 to actually be folded as it passes upwardly through buckle 62 and then downwardly through buckle 62 so as to be locked in position (see Figure 2). Accordingly, for a user to remove strap 66 from buckle 62, the user would have to unthread the strap. Accordingly, the applicant points out that, contrary to the statement by the Examiner, strap 66 would be "folded over so as to prevent it from being removed from the buckle". Accordingly, the applicant respectfully submits that Fier does not anticipate claims 30 and 36.

The Examiner rejected claims 17-19, 22-24, 26-28 and 30-36 under 35 USC 103(a) in view of Ivarson, Gausling and Godshaw. Ivarson does not disclose a shoulder strap that extends over the top of the back pack. Essentially, the Examiner has argued that it is known to have a strap to extend over the top of a backpack (see Gausling) and that it would be obvious to use the separation clips of Godshaw to facilitate access to the opening of a backpack.